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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,031	07/30/2001	Alexander Tormasov	2230.0400001/MBR/GSB	1032
54089	7590	10/14/2005	EXAMINER	
BARDMESSER LAW GROUP, P.C. 910 17TH STREET, N.W. SUITE 800 WASHINGTON, DC 20006			MIRZA, ADNAN M	
		ART UNIT	PAPER NUMBER	
		2145		

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/918,031	TORMASOV ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adnan M. Mirza	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 July 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al (U.S, 6,779,016) and Huang et al (US 2002/0091697).

As per claims 1,4,10,16 Aziz disclosed a system for efficient utilization of a single server with a single operating system kernel by an end user of a personal computer, said system comprising: a virtual computing environment functionally equivalent to a server having a full-featured operating system (col. 4, lines 24-41); said virtual computing environment constructed and arranged to separate user processes on the level of namespace and on the basis of restrictions implemented inside said operating system Kernel (col. 16, lines 1-11);

However Aziz did not disclose in detail whereby emulation of hardware resource or a dedicated memory is not required.

In the same field of endeavor Huang disclosed the invention provides a virtual desktop in a virtual computing environment such that a user sees the same desktop and has access to the same

applications, files and amenities independent of the particular computer system on which access is gained (Page. 3, Paragraph 0040).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the invention provides a virtual desktop in a virtual computing environment such that a user sees the same desktop and has access to the same applications, files and amenities independent of the particular computer system on which access is gained as taught by Huang in the method of Bandhole so that the user can access the resources in the network from one computer system and reduce the latency in the system.

3. As per claim 2 Aziz-Huang disclosed wherein virtual computing environments are not visible to other virtual computing environments operating in a network of computers on non-network level communications (Huang, Page. 3, Paragraph 0042).

4. As per claims 3,5,11,17 Aziz-Huang disclosed wherein each virtual computing environment has a completely independent root file system (Aziz, col. 15, lines 52-63).

5. As per claims 6,12,18 Aziz-Huang disclosed wherein the virtual computing environments do not require a dedicated memory (Aziz, col. 14, lines 56-65).

6. As per claims 7,13,19 Aziz-Huang disclosed wherein resources of the operating system

Kernel belonging to different users are separated on the namespace level (Aziz, col. 16, lines 1-11).

7. As per claims 8,14,20 Aziz-Huang disclosed wherein resources and objects of one virtual computing environment are not visible to processes and objects of other virtual computing environments (Aziz, col. 16, lines 1-9).

8. As per claims 9,15 Bandhole-Huang disclosed wherein the virtual computing environment comprises processes and files of the operating system (Aziz, col. 8, lines 12-26).

***Response to Arguments***

Applicant's arguments filed 07/28/2005 have been fully considered but they are not persuasive.

Response to applicant's arguments are as follows.

9. Applicant argued that prior art did not disclose, "a single-box-multiple-virtual-servers".

As to applicant's argument Aziz disclosed, "Assume that the Control plane is asked to construct VSF, containing one load balancer/firewall and two Web servers connected to a storage device on the SAN" (col. 9, lines 44-47). One ordinary skill in the art at the time of the invention knows that combining servers in one box or having servers to be connected separately is not a novelty.

Also Aziz disclosed in the above statement that is interpreted as combining the servers virtually in one group and called it VSF.

10. Applicant argued that prior art did not disclose, “emulation of hardware resource or a dedicated memory is not required”.

As to applicant’s argument Aziz and nor Huang is not using the emulation of hardware resource in its prior art.

11. Applicant argued that prior art did not disclose, “virtual computing environment constructed and arranged to separate user processes on the level of namespace and on the basis of restrictions implemented inside said operating system kernel”.

As to applicant’s argument Aziz disclosed, “The customer have a control value that allows the customer to change parameters such as minimum number of computing elements in a particular tier such as Web servers, or a time period in which the VSF must have a minimum amount of server capacity. The parameters may be linked to billing software that would automatically adjust the customer’s bill rate and generate billing log file entries”. One ordinary skill in the art at the time of the invention interpreted as changing the parameters as minimum number of computing tier such as web servers as the basis of restrictions implemented inside said operating system Kernel.

***Conclusion***

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**13.** Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

**14.** The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239.

15. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

16. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

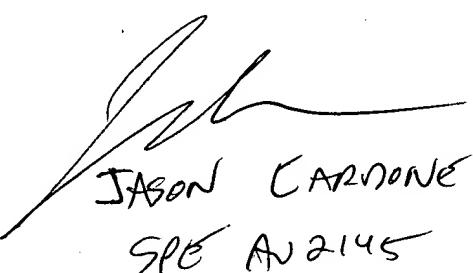
BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM  
Adnan Mirza  
Examiner

  
JASON CARBONE  
SPE AN 2145